IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

WP(C).No. 33676 of 2006(H)

I.A.2350/06 IN CMA.53/2006 of ADDL.DISTRICT COURT, THRISSUR
OS.646/2002 of SUB COURT,THRISSUR
(EP.NO.36/2006)

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PETITIONER:

G.KRISHNAMOORTHY, S/O. GOPALAN,
THRIPPALOOR, PUTHIANKAM, ALATHUR,
PALAKKAD.

BY ADV. SRI.A.T.ANILKUMAR

RESPONDENTS:

K.M.MOHANDAS, S/O. LATE KUNNATHUVEETTIL
MADHAVAN,MUSEUM CROSS LANE, CHEMBUKKAVU VILLAGE,
THRISSUR TALUK, REPRESENTED BY HIS POWER OF
ATTORNEY HOLDER, K.T.MURALEEDHARAN,
S/O. K.T.BALAGOPALAN NAIR, RESIDING AT DHAIVAKRIPA,
CHERUTHURUTHY DESOM & VILLAGE, TALAPPILLY TALUK.

BY //

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C) .NO. 33676 OF 2006

Dated 19th December 2006

JUDGMENT

Petitioner is appellant in C.M.A.53/06 on the file of First Additional District court, Trissur. He is challenging Ext.P2 order passed by Additional District Judge whereunder he was permitted to deposit Rs.50,000/- before the trial court as a condition for granting stay. Case of petitioner was that he had produced a demand draft before the Sub court, Thrissur for Rs.1,50,000/- when suit was pending and it is still with Sub court and in such circumstance there is no necessity to deposit further amount of Rs.50,000/-. Ext.P2 order is therefore modified to the effect that if the petitioner has produced demand draft for Rs.1,50,000/- before the trial court, he need not deposit a further amount of Rs.50,000/- and amount of Rs.1,50,000/- deposited before the trial court shall be treated as sufficient security.

Writ petition is disposed of.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.